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Attorneys for Defendants  
GUIDANCE SOFTWARE, INC.  
and MICHAEL GURZI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii  
citizen,

Plaintiff,

v.

(CAPTION CONTINUED)

) Civil No. CV03 00385 SOM/LEK  
) (Copyright)  
)  
) DECLARATION OF REX Y.  
) FUJICHAKU REGARDING  
) DEFENDANT GUIDANCE  
) SOFTWARE, INC. AND MICHAEL  
) GURZI'S MOTION FOR AWARD

|                                      |                               |
|--------------------------------------|-------------------------------|
| HAWAIIAN EXPRESS SERVICE, )          | OF ATTORNEYS' FEES AND        |
| INC., a California corporation, et ) | COSTS FILED ON MARCH 30,      |
| al., )                               | 2006; EXHIBITS "C-1" & "D-1"; |
| )                                    | CERTIFICATE OF SERVICE        |
| Defendants. )                        |                               |
| _____ )                              |                               |

**DECLARATION OF REX Y. FUJICHAKU REGARDING  
DEFENDANT GUIDANCE SOFTWARE, INC. AND  
MICHAEL GURZI'S MOTION FOR AWARD OF ATTORNEYS' FEES  
AND COSTS FILED ON MARCH 30, 2006**

I, REX Y. FUJICHAKU, under penalty of perjury, state as follows:

1. I am an attorney licensed to practice law before all of the State and Federal Courts in the State of Hawaii and am one of the attorneys representing Defendants Guidance Software, Inc. and Michael Gurzi (collectively "GSI Defendants") in this case.

2. On March 30, 2006, GSI Defendants filed a Motion for Award of Attorneys' Fees and Costs, together with supporting documentation. Among the supporting documents were Exhibits "C" and "D" which purported to list, respectively, the taxable and non-taxable costs reasonably and necessarily incurred by GSI Defendants in the instant litigation.

3. Due to an inadvertent error in the allocation of costs, several items which should have been included as taxable

costs on Exhibit "C" were included in the non-taxable costs spreadsheet. Conversely, several items which should have been included in the non-taxable costs spreadsheet of Exhibit "D" were listed in the taxable costs spreadsheet.

4. Attached as Exhibit "C-1" is a Bill of Costs form and a corrected spreadsheet listing taxable costs reasonably and necessarily incurred by the GSI Defendants in this matter. GSI Defendants incurred a total of \$8,895.44 in taxable costs in this matter.

5. Attached as Exhibit "D-1" is a corrected spreadsheet listing non-taxable costs reasonably and necessarily incurred by the GSI Defendants in this matter. GSI Defendants incurred a total of \$1,077.88 in non-taxable costs in this matter.

6. Apart from the re-allocation of costs incurred as taxable and non-taxable, the total amount of costs requested by GSI Defendants by their Motion for Award of Attorneys' Fees and Costs has not changed.

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I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief.

DATED: Honolulu, Hawaii, April 13, 2006.

/s/ REX Y. FUJICHAKU  
REX Y. FUJICHAKU